IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Bail Appl..No. 2105 of 2007()

CRIME NO.287/06 OF POONTHURA POLICE STATION

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: PETITIONER/ACCUSED

VIPIN, AGED 28, S/O.VELAYUDHAN PILLAI,
T.C. 48/40, ASWATHY GARDENS, AMBALATHURA,
THIRUVANANTHAPURAM.

BY ADV. SRI.KOTTOOR B.GOPALAKRISHNA PILLAI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2105 OF 2007

Dated this the 11th day of April, 2007

O R D E R

Petitioner, who is the husband of one July Madhu, aged 28 years, who committed suicide on 27.11.06 by hanging, seeks anticipatory bail. He is the sole accused in Crime No.287/06 of Poonthura Police Station for an offence punishable under section 498A IPC. According to the learned Public Prosecutor, a report is being filed to incorporate section 306 IPC as well.

2. The marriage between the petitioner and the deceased lady took place three years ago. A female child has been born in that wedlock. The petitioner is said to be an Area Business Manager of a pharmaceutical company. The deceased was a Software engineer.

3. Learned Public Prosecutor opposed the application submitting, inter alia, that in the suicide note the deceased has implicated her husband alone for her miseries in life. Ordinarily, a young lady, aged 28 years, will not commit suicide within three years of her marriage unless there is some valid reason for the same. Going by the letters allegedly seized by the investigating agency, the petitioner was suspected of having extra marital affairs to the extreme chagrin of the deceased and that it was unable to endure the matrimonial cruelty that she

was driven to the extreme step of committing the suicide. Eventhough the deceased was in her parental home, the petitioner was also admittedly residing along with her for the past 2 years.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 18.4.2007 and 20.4.2007 for the purpose of interrogation. The petitioner shall, thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the application for regular bail, if any, filed by the petitioner, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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